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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,161	06/19/2008	Jose Antonio Almeida Neto	01952.0076	6591
22852	7590	11/05/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER SANDERS, JAMES M	
			ART UNIT	PAPER NUMBER
			1743	
			MAIL DATE	DELIVERY MODE
			11/05/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,161

**Applicant(s)**

ALMEIDA NETO, JOSE ANTONIO

**Examiner**

JAMES SANDERS

**Art Unit**

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date 12/23/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 1-2 in the reply filed on 9/16/10 is acknowledged. Claims 3-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 9/16/10. Examiner concurs that claim 3 as amended under article 19 is a product claim, rather than the original process claim, as pointed out by Applicant.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 6 and 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance

***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds the maximum 150 word limit. Correction is required. See MPEP § 608.01(b).

Also, the disclosure is objected to because of the following informalities: pg 11 In 11 of the Specification recites "each110 mm" which appears to a misstatement of "each 110 mm".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al (US 6220256, already of record) in view of Yeung (US 5415939, already of record) and further in view of Rogers (US 3303252).

Dolan et al teach a process for manufacturing a PTFE filament of the type comprising steps of extrusion (col 12 lns 65-67), and, subsequently, stretching, heating (col 13 lns 6-10) and cutting PTFE (col 13 lns 16-19). Dolan et al further teach a bilayer construction A/B (col 13 lns 37-38) in which fumed silica is added to at least one of the layers - A (col 3 lns 62-64, col 11 lns 38-42) which increases surface friction (col 10 lns 62-63), and it is inherent that the mixtures for layers A and B would then have different

coefficients of friction. Though different than the claimed invention, Dolan also teaches laminating the layers together (col 13 lns 11-14).

Dolan et al do not teach the following steps prior to extrusion: providing a recipient having rigid side-walls, arranging a first mixture containing PTFE and a filler, and a second mixture containing PTFE, inside the recipient, side by side and aligned with the side walls; and pressing the first and second mixtures in a direction parallel to the side walls to form a billet; and in the step of arranging, the first mixture includes a pigment and the second mixture includes another pigment.

However, in the same field of endeavor pertaining to manufacturing extruded PTFE products, Yeung teaches providing a recipient inherently having rigid side-walls; arranging a first mixture containing PTFE and a filler, and a second mixture containing PTFE, inside the recipient, side by side and aligned with the side walls; and pressing the first and second mixtures in a direction parallel to the side walls to form a billet (col 3 lns 26-37). Yeung further teaches in the step of arranging, the first mixture includes a pigment and the second mixture includes another pigment (col 3 lns 21-25). Though different than the claimed invention, Yeung also teaches using a removable mandrel in the arranging step (col 3 lns 26-33) and coextruding the composite preform (col 3 lns 10-19).

Accordingly, the prior art references teach that it is known that coextruding a composite preform and lamination are functional equivalents for providing a bilayer construction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yeung with those of Dolan et al by substituting the compositing technique of Yeung for the lamination technique of Dolan et al. The substitution would have resulted in the predictable result of providing a bilayer construction and extrusion makes possible more complete control of product characteristics as suggested by Yeung (col 2 lns 22-23).

The previous combination does not teach that in the arranging step, the first and the second mixtures are inserted respectively into two portions of the recipient separated by a barrier, and, subsequently, the barrier is removed, enabling a part of the first mixture to contact a part of the second, and be arranged side by side and aligned with the side walls of the recipient.

However, in the same field of endeavor pertaining to extruding PTFE, Rogers teaches that in the arranging step, the first and the second mixtures are inserted respectively into two portions of the recipient separated by a barrier, and, subsequently, the barrier is removed, enabling a part of the first mixture to contact a part of the second, and be arranged side by side and aligned with the side walls of the recipient (col 1 lns 25-31).

Accordingly, the prior art references teach that it is known that a removable divider and a removable mandrel are functional equivalents for arranging the mixtures.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rogers with those of the previous combination by substituting the filling technique employing a removable divider

of Rogers for the filling technique employing a removable mandrel of the previous combination for appropriately dimensioned preforms. The substitution would have resulted in the predictable result of arranging the mixtures side by side and aligned with the side walls of the recipient.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SANDERS whose telephone number is 571-270-7007. The examiner can normally be reached on Monday through Friday, 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMS

/Joseph S. Del Sole/  
Supervisory Patent Examiner, Art Unit 1743